

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DONELL TALLEY,

Defendant.

Case No. 2:17-mj-574-GWF

ORDER

This matter is before the Court on the Government's Motion to Strike (ECF No. 31), filed on June 13, 2017. Defendant filed his Response (ECF No. 34) on June 27, 2017. The Government filed its Reply (ECF No. 35) on July 5, 2017.

The Government requests that the Court strike Defendant's Notice of Assertion of Right to be Present in Court Unshackled (ECF No. 14) as improperly filed. The Court construes Defendant's filing as a notice of an assertion of his right to not be shackled or placed in other physical restraints during any pretrial hearing. On July 13, 2017, the Court granted the parties' stipulation to continue the preliminary hearing to June 28, 2017. ECF No. 40. If the preliminary hearing goes forward the Court will consider the issue of physical restraints at that time. The Court, therefore, denies the Government's motion to strike as premature. Accordingly,

IT IS HEREBY ORDERED that the Government's Motion to Strike (ECF No. 31) is **denied**.

DATED this 14th day of August, 2017.


 GEORGE FOLEY, JR.
 United States Magistrate Judge